

REMARKS

As an initial matter, the Applicants would like to thank the Examiner for acknowledging Applicants' claim to foreign priority and receipt of a certified copy of the priority document, and for considering the documents included with the Information Disclosure Statement submitted on September 14, 2000.

Claims 1-35 remain pending in the application. Claims 26-33 and 35 are withdrawn from consideration. Claims 1-25 and 34 are currently amended. Reconsideration of the rejections and allowance of the pending claims in view of the following remarks are respectfully requested.

In the Office Action of August 12, 2004, the Examiner rejected claim 9 under 35 U.S.C. §112, 1st paragraph as failing to comply with the enablement requirement. The Examiner asserted that the specification does not disclose "a plurality pieces of information on the type of contents for a plurality of contents." Applicants respectfully traverse the rejection.

Applicants describe an example of a second embodiment of the present invention on page 19 of Applicants' specification. In lines 9-12 on page 19, Applicants disclose that a plural number of contents 500-510 may be transmitted repeatedly, and that each of the contents may be broadcast with information on the type of the contents. The Examiner's attention is also directed, inter alia, to Figures 19-21. Therefore, Applicants respectfully submit that the specification does in fact disclose an example of collectively transmitting a plurality of pieces of information on the types of contents for a plurality of contents, and respectfully request withdrawal of the rejection.

In the Office Action, the Examiner rejected claims 1-25 and 34 under 35 U.S.C.

§112, 2nd paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner stated that there is insufficient antecedent basis for certain limitations in claims 1-3, 5-9, 11-17, 20, 22, 24 and 34. Applicants respectfully submit that the basis for this rejection has been eliminated by the current amendment of the claims, and respectfully request withdrawal of the rejection.

Regarding claim 3, the Examiner also stated that it is not clear to him what is meant by the claim recitation "contents are restorable based on the information on the type of the contents before restoring the contents." To address the Examiner's concerns, Applicants offer the following explanation of the present invention.

The present invention relates to a digital broadcast system which increases the speed of processing broadcast contents by eliminating unnecessary receiving processes. Some receiving devices used in a digital broadcast system may be incapable of restoring certain types of data. See, e.g., page 2, line 26 to page 3, line 23 of the specification. Prior art receiving devices cannot determine whether data is restorable or not until they perform many processes on the data, such as acquiring the data and transferring it to an application for performing restoration. If the receiving device is incapable of restoring the data, this results in wasted processing time. See, e.g., page 3, line 25 to page 4, line 31 of the specification.

The present invention overcomes this shortcoming of the prior art by broadcasting information regarding what type of data is being broadcast. See, e.g., page 12, line 29 to page 13, line 11 of the specification and Figure 7A. This information on the type of broadcast contents allows a receiving device to identify whether it is

capable of restoring the broadcast contents before restoration is attempted. If it determines, based on the information, that it is incapable of restoring the broadcast contents, it does not attempt to do so. See, e.g., page 14, line 14 to page 15, line 10 of the specification and Figure 7B. This prevents wasted processing time.

In view of Applicants' description of the present invention in the specification, Applicants respectfully submit that claim 3 is not indefinite, and request withdrawal of the rejection. However, if the Examiner requires further clarification, Applicants request that he contact the undersigned at the telephone number listed at the end of this Response so that his concerns may be appropriately addressed.

Regarding claim 6, the Examiner also stated that it is not clear to him what is meant by the claim recitation "the receiving device not performs the restoration of all the contents in the case any of a plurality of contents." Regarding claim 7, the Examiner also stated that it is not clear to him what is meant by the claim recitation "the receiving device not performs the restoration of only the content elements that are not restorable." Applicants have amended the claims to address the Examiner's concerns, and respectfully request withdrawal of the rejection.

In the Office Action, the Examiner has also rejected claims 1 and 2 under 35 U.S.C. §102(b) as being anticipated by Shimoji et al. (U.S. Patent No. 6,353,930). As an initial matter, Applicants respectfully submit that the Shimoji reference does not qualify as §102(b) prior art because it was not issued more than one year prior to the effective filing date of Applicants' present invention. The effective filing date of Applicants' present invention is March 6, 1999, which was the filing date of Applicants' foreign priority document, and the Examiner has acknowledged Applicants' claim for

foreign priority. However, the Shimoji reference did not issue until March 5, 2002.

Therefore, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. §102(b).

Furthermore, Applicants submit that Shimoji fails to anticipate Applicants' invention as claimed herein. Claim 1 recites a broadcast device that multiplexes and broadcasts contents and information on the types of the contents, and a receiving device that determines whether the contents are restorable based on the information on the type of the contents, before performing a restoration process on the contents, and changes the restoration process according to the determination. Claim 2 recites a broadcast device for a digital broadcast system that multiplexes and broadcasts contents and information on the type of the contents. Applicants respectfully submit that the combination of features recited in the claims are not disclosed by Shimoji.

Shimoji is directed towards a digital broadcasting system which includes a transmission apparatus and a digital broadcast reception apparatus. Shimoji discloses that the transmission apparatus transmits sets of image data and sets of navigation information corresponding to the sets of image data. See col. 20, lines 33-41. The navigation information includes a set of bitmap data which is superimposed on a corresponding image, a set of script information which describes the operations to be executed in accordance with user operations, and a set of hyperlink information which shows the contents which can be switched to as a result of a display switching operation made by the user. See col. 20, lines 47-54.

Shimoji also discloses that the digital broadcast reception apparatus includes an end time judgment unit which judges whether the reproduction end time of a set of

image data written in an image correspondence table has been reached. See col. 13, lines 48-50. If the reproduction time of a set of image data is passed, the digital broadcast reception apparatus prevents its extraction. See col. 13, lines 58-60.

However, Shimoji's transmission apparatus does not broadcast information on the type of image data, or the type of any other broadcast contents, as recited in Applicants' claims. Furthermore, Shimoji's digital broadcast reception apparatus does not determine whether the image data, or any other content, is restorable based on information on the type of image data, or content, broadcast by a broadcast device. Nor does Shimoji's digital broadcast reception apparatus change a content restoration process based on such a determination. For at least these reasons, Shimoji does not anticipate Applicant's present invention. Therefore, Applicants respectfully submit that the rejection is improper, and request withdrawal thereof.

Based on the above, it is respectfully submitted that this application is now in condition for allowance, and a Notice of Allowance is respectfully requested.

SUMMARY AND CONCLUSION

Entry and consideration of the present amendment, reconsideration of the outstanding Office Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate. Applicant has made a sincere effort to place the present invention in condition for allowance and believes that he has now done so.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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